CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Ch. II

Regulatory Flexibility Act; Semiannual Regulatory Flexibility and Unified Agendas

AGENCY: Consumer Product Safety Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: In this document, the Commission publishes its semiannual regulatory flexibility agenda. In addition, this document includes an agenda of regulatory actions the Commission expects to be under development or review by the agency during the next year. This document meets the requirements of the Regulatory Flexibility Act and Executive Order 12866.

DATES: The Commission welcomes comments on each subject area of the agenda, particularly from small entities. Written comments concerning the agenda should be received in the Office of the Secretary by December 31, 2000.

ADDRESSES: Comments on the regulatory flexibility agenda should be mailed to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504-0800, or delivered to the Office of the Secretary, Room 502, 4330 East-West Highway, Bethesda, Maryland 20814. Comments should be captioned "Regulatory Flexibility Agenda." Comments may also be filed by telefacsimile to (301) 504-0127, or by email to cpsc-os@cpsc.gov.

FOR FURTHER INFORMATION CONTACT: For further information on the agenda in general, contact Stephen Lemberg, Office of the General Counsel, Consumer Product Safety Commission, Washington, DC 20207, telephone (301) 504-0980, ext. 2218. For further information regarding a particular item on the agenda, consult the individual listed in the column headed "Contact" for that particular item.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (RFA) (5 U.S.C. 601-612) contains several provisions intended to reduce unnecessary and disproportionate regulatory requirements on small businesses, small governmental organizations, and other small entities. Section 602 of the RFA (5 U.S.C. 602) requires each agency to publish twice each year a regulatory flexibility agenda containing a brief description of the subject area of any rule expected to be proposed or promulgated that is likely to have a "significant economic impact" on a "substantial number" of small entities. The agency must also provide a summary of the nature of the rule, and a schedule for acting on each rule for which the agency has issued a notice of proposed rulemaking.

The regulatory flexibility agenda is also required to contain the name and address of the agency official knowledgeable about the items listed. Further, agencies are required to provide notice of their agendas to small entities and to solicit their comments by direct notification, or by inclusion in publications likely to be obtained by such entities.

Additionally, Executive Order 12866 requires each agency to publish twice

each year a regulatory agenda of regulations under development or review during the next year, and states that such an agenda may be combined with the agenda published in accordance with the RFA. The regulatory flexibility agenda published below lists the regulatory activities expected to be under development or review during the next 12 months. It includes all such activities, whether or not they may have a significant economic impact on a substantial number of small entities.

The agenda contains a brief description and summary of each regulatory activity, including the objectives and legal basis for each; an approximate schedule of target dates, subject to revision, for the development or completion of each activity, and the name and telephone number of a knowledgeable agency official concerning particular items on the agenda. All agency contacts have the same address: Consumer Product Safety Commission, Washington, DC 20207.

For this edition of the Commission's regulatory agenda, the most important significant regulatory actions are included in **The Regulatory Plan**, which appears in part II of this issue of the **Federal Register**. **The Regulatory Plan** entries are listed in the table of contents below and are denoted by a bracketed bold reference, which directs the reader to the appropriate sequence number in part II.

Dated: August 31, 2000. Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

Consumer Product Safety Commission—Prerule Stage

Sequence Number	Title	Regulation Identification Number
4419	Baby Walkers	3041-AB40
4420	Amendment of the Standard for the Flammability of Clothing Textiles	3041-AB68
4421	Petition CP 99-2 Requesting Safety Standard for Bleachers and Grandstands	3041-AB84
4422	Petition HP 00-3 Requesting a Ban of Candle Wicks Containing Lead and Candles With Such Wicks	3041-AB87
4423	Petition HP 00-2 Requesting a Rule Declaring Natural Rubber Latex a Strong Sensitizer	3041-AB88
4424	Petitions FP 00-1, FP 00-2, FP 00-3, and FP 00-4 Requesting Requirements for Flammability of Mattresses	3041-AB89
4425	Petition HP 00-4 Requesting a Rule Banning Baby Bath Seats	3041-AB93

CPSC

Consumer Product Safety Commission—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
4426 4427	Flammability Standard for Upholstered Furniture (Reg Plan Seq No. 168)	3041-AB35 3041-AB82
4428	Amendment of the Safety Standard for Automatic Residential Garage Door Operators	3041-AB86
4429	Portable Bed Rails	3041-AB91
4430	Requirement for Special Packaging of Oral Prescription Drugs That are Granted Over-The-Counter Status by the	
	Food and Drug Administration (Reg Plan Seq No. 169)	3041-AB92

References in boldface appear in the Regulatory Plan in Part II of this issue of the Federal Register.

Consumer Product Safety Commission—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
4431	Petition HP 93-1 Requesting Development of a Rule To Ban Certain Backyard Playsets	3041-AB47
4432	Requirements for Child-Resistant Packaging of Household Products Containing Petroleum Distillates or Other Hydrocarbons	3041-AB57
4433	Amendment of Safety Regulations for Cribs	3041-AB67
4434	Petition HP 99-1 for a Ban of Polyvinyl Chloride in Toys and Other Products Intended for Children 5 Years of Age and Under	3041-AB79
4435	Petition FP 99-1 Requesting Labeling Rule for Polyurethane Foam in Upholstered Furniture	3041-AB81
4436	Petition CP 00-1 Requesting Performance Requirements for Non-Wood Baseball Bats	3041-AB90

Consumer Product Safety Commission—Completed Actions

Sequence Number	Title	Regulation Identification Number
4437 4438	Petition CP 97-1 Requesting Development of a Safety Standard for Escalators	3041-AB70
	Systems	3041-AB85

Consumer Product Safety Commission (CPSC)

Prerule Stage

4419. BABY WALKERS

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 15 USC 1261, Federal Hazardous Substances Act; 15 USC 1262, Federal Hazardous Substances Act

CFR Citation: 16 CFR 1500 Legal Deadline: None

Abstract: On August 2, 1994, the Commission published an advance notice of proposed rulemaking (ANPRM) to begin a proceeding that may result in the issuance of mandatory design or performance requirements for baby walkers. A baby walker is a device that supports a child so that the child can use his or her

feet to move about before or while learning to walk. Typically, a baby walker consists of a fabric seat that has leg openings and is mounted to a rigid plastic deck. The deck is attached to a base that is mounted on wheels to allow mobility. In 1994, an estimated 25,500 children younger than 15 months of age were treated in hospital emergency rooms for injuries associated with baby walkers. The majority of these injuries resulted from falls down stairs. Among the options under consideration by the Commission are mandatory performance or design requirements to reduce risks of injury associated with baby walkers, particularly those resulting to children from falls down stairs.

In response to the Commission's work in this area, the industry approved revisions to the voluntary standard for baby walkers in 1996 to address the hazard of falling down stairs. The American Society for Testing and Materials (ASTM) standard contains performance requirements to address risks of injury to children from falls down stairs associated with baby walkers. In 1999, baby walker injuries had dropped to 8,800. The staff is currently assessing the extent of industry conformance with that voluntary standard, designated "Standard Consumer Safety Specification for Infant Walkers," SF 977-97, published by ASTM. The staff will send that information to the Commission together with options for

CPSC Prerule Stage

Commission action, including withdrawal of the ANPRM or further regulatory proceedings.

Timetable:

Action	Date	FR Cite
ANPRM	08/02/94	59 FR 39309
ANPRM Comment Period End	10/03/94	59 FR 39309
Staff Provided Technical Recommendations to Revise Voluntary	12/16/94	
Standard		
Revised Voluntary Standard Approved	10/01/96	
Voluntary Certification Program Began	06/30/97	
Staff Completed Monitoring Conformance to Revised Voluntary Standard	05/31/00	
Staff Completed Special Study of Injury Data	09/29/00	
Staff Sends Briefing Package to Commission	11/00/00	
Commission Decision	11/00/00	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected:

Undetermined

Federalism: Undetermined

Agency Contact: Barbara J. Jacobson, Directorate for Health Sciences, Consumer Product Safety Commission,

Washington, DC 20207 Phone: 301 504-0477 Email: bjacobson@cpsc.gov

RIN: 3041-AB40

4420. AMENDMENT OF THE STANDARD FOR THE FLAMMABILITY OF CLOTHING TEXTILES

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 15 USC 1191, Flammable Fabrics Act

CFR Citation: 16 CFR 1610 Legal Deadline: None

Abstract: The Standard for the Flammability of Clothing Textiles prohibits the manufacture, importation, or sale of clothing, and fabrics and related materials intended for use in clothing, which are dangerously flammable because of rapid and intense burning. The standard prescribes the

apparatus, procedure, and criteria to be used for testing to determine compliance with that standard. The standard was made mandatory by the Flammable Fabrics Act of 1953 (Pub. L. 83-88, 67 Stat. 111; June 30, 1953). Some of the equipment and procedures specified by the standard, particularly those for laundering and cleaning of test specimens, have become obsolete, unavailable, or unrepresentative of current practices. The staff is preparing a briefing package describing modifications of the standard that may be needed to assure that the test in the standard is conducted with equipment and procedures representative of conditions to which garments currently are exposed. After consideration of the briefing package, the Commission will decide whether to begin a proceeding for amendment of the standard.

Timetable:

Action	Date	FR Cite
Staff Sends Briefing Package to Commission	11/00/00	
Commission Decision	12/00/00	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected:

Undetermined

Federalism: Undetermined

Agency Contact: Margaret L. Neily, Project Manager, Consumer Product Safety Commission, Directorate for Engineering Sciences, Washington, DC 20207

Phone: 301 504-0508 Email: mneily@cpsc.gov

RIN: 3041-AB68

4421. PETITION CP 99-2 REQUESTING SAFETY STANDARD FOR BLEACHERS AND GRANDSTANDS

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 5 USC 553(e), Administrative Procedure Act; 15 USC 2051, Consumer Product Safety Act

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: A petition from U.S. Representatives Bill Luther and Jim Ramstad requests that the Commission develop a national safety standard for bleachers and grandstands. The petitioners request that the standard

include minimum spacing requirements for gaps between bleacher guardrails and between seats and footboards, side and back safety features, and guidelines for retrofitting older facilities. The request was docketed as a petition on August 10, 1999, and a notice soliciting comments on the petition was published in the Federal Register on August 26, 1999. CPSC staff is preparing a briefing package for the Commission to consider. The staff has developed draft retrofit guidelines. The draft guidelines were released on July 14, 2000 for public comment, with the request that comments be sent to CPSC staff by August 14, 2000.

Timetable:

Action	Date	FR Cite
Petition Docketed	08/10/99	
Notice	08/26/99	64 FR 46657
Comment Period End	10/25/99	64 FR 46657
Staff Sends Briefing Package to	10/00/00	
Commission		
Commission Decision	10/00/00	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected:

Undetermined

Federalism: Undetermined

Agency Contact: Janet L. Buyer, Project Manager, Consumer Product Safety

Commission, Directorate for Engineering Sciences Phone: 301 504-0508 Email: jbuyer@cpsc.gov

RIN: 3041–AB84

4422. PETITION HP 00-3 REQUESTING A BAN OF CANDLE WICKS CONTAINING LEAD AND CANDLES WITH SUCH WICKS

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 5 USC 553(e), Administrative Procedure Act; 15 USC 1261, Federal Hazardous Substances Act

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: Separate requests from Public Citizen and jointly from the National Apartment Association and the National Multi-Housing Council are being considered as a petition to ban candle wicks that contain lead and to ban candles with such wicks. The

CPSC Prerule Stage

petitioners claim that burning candles with such wicks produces hazardous combustion products containing lead. On April 2, 2000, the Commission published a notice in the Federal Register to solicit comments on the petition from all interested parties. The comment period closed June 12, 2000. Over 140 comments were received. The staff is preparing a briefing package for consideration by the Commission.

Timetable:

Action	Date	FR Cite
Petition Docketed	03/17/00	
Notice	04/12/00	65 FR 19742
Comment Period End	06/12/00	
Staff Sends Briefing	12/00/00	
Package to		
Commission		

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Kristina Hatlelid, Project Manager, Consumer Product Safety Commission, Directorate for Health Sciences, Washington, DC 20207

Phone: 301 504-0994 Email: khatlelid@cpsc.gov

RIN: 3041–AB87

4423. PETITION HP 00-2 REQUESTING A RULE DECLARING NATURAL RUBBER LATEX A STRONG SENSITIZER

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 5 USC 553(e), Administrative Procedure Act; 15 USC 1261, Federal Hazardous Substances

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: A petition from Debi Adkins, Editor, Latex Allergy News, requests that the Commission issue a rule declaring that natural rubber latex (NRL) and products containing NRL are strong sensitizers under the Federal Hazardous Substances Act (FHSA) and requiring labeling. NRL is in such consumer products as gloves, adhesives, shoes, balloons, pacifiers, and carpet backing, as well as many medical products. The petitioner states that a portion of the population has developed an allergy to latex that can be debilitating, even causing death. On

March 21, 2000, the Commission published a notice in the Federal Register to solicit comments on the petition from all interested persons. On May 24, 2000, at the request of several persons, the Commission published a notice extending the original due date for comments of May 22, 2000 for 30 days to June 21, 2000. Eighty-four comments were received. The staff is preparing a briefing package for consideration by the Commission.

Timetable:

Action	Date	FR Cite	
Petition Docketed	03/02/00		
Notice	03/21/00	65 FR 1513	3
Comment Period End	05/22/00		
Comment Period Extended	05/24/00	65 FR 3352	5
Comment Period End	06/21/00		
Staff Sends Briefing Package to Commission	12/00/00		

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Suzanne Barone Ph.D., Project Manager, Consumer Product Safety Commission, Directorate for Health Sciences, Washington, DC

Phone: 301 504-0477 Email: sbarone@cpsc.gov

RIN: 3041–AB88

4424. ● PETITIONS FP 00-1, FP 00-2, FP 00-3, AND FP 00-4 REQUESTING REQUIREMENTS FOR FLAMMABILITY OF MATTRESSES

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 5 USC 553(e), Administrative Procedure Act; 15 USC 1191, Flammable Fabrics Act

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The Commission has received correspondence from Whitney A. Davis, Director of the Children's Coalition for Fire-Safe Mattresses, requesting that the Commission take various actions concerning mattress flammability. The Commission is docketing as petitions his requests for rules requiring: (1) an open-flame standard similar to the full-scale test set forth in California Technical Bulletin 129; (2) an open

flame standard similar to the component test set forth in British Standard 5852; (3) a warning label for flammable mattresses; and (4) a permanent mattress identification tag attached to the inner spring of the mattress. The petitioner focuses primarily on the role polyurethane foam plays in mattress fires. He notes that the Commission's existing mattress flammability standard only addresses cigarette ignition; yet childplay with open-flame sources causes nearly twothirds of mattress fires. He argues that with polyurethane foam mattresses, fires have become increasingly more deadly than with cotton-batting mattresses due to increased smoke generation, heat production and flame spread. With regard to labels, he notes that polyurethane foam manufacturers provide warnings to mattress manufacturers, but these warnings are not passed on to the consumer. With regard to an identification tag, the petitioner argues that such a tag would help to identify mattresses involved in fires because often only the inner spring unit remains after a mattress fire. The Commission is docketing these petitions under provisions of the Flammable Fabrics Act. The staff will prepare a briefing package for the Commission to consider.

Timetable:

Action	Date	FR Cite
Petition Docketed	05/22/00	
Notice	06/12/00	65 FR 36890
Comment Period End	08/11/00	
Staff Sends Briefing Package to Commission	12/00/00	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected:

Undetermined

Federalism: Undetermined

Agency Contact: Margaret L. Neily, Project Manager, Consumer Product Safety Commission, Directorate for Engineering Sciences, Washington, DC 20207

Phone: 301 504-0508 Email: mneily@cpsc.gov

RIN: 3041-AB89

CPSC Prerule Stage

4425. ● PETITION HP 00-4 REQUESTING A RULE BANNING BABY BATH SEATS

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined Legal Authority: 5 USC 553(e), Administrative Procedure Act; 15 USC 1261, Federal Hazardous Substances Act

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: A petition from the Consumer Federation of America and other consumer groups, docketed on August 4, 2000, requests that the Commission ban baby bath seats and

bath rings. These are consumer products used to hold an infant in a bathtub while the child is being bathed. The petitioners assert that bath seats pose an unreasonable risk of injury, primarily because they create a false sense of security that the child is safe in the bathtub. They assert that 66 incidents of drowning and 37 reports of near drowning involving baby bath seats have been identified. On August 22, 2000, the Commission published a notice in the Federal Register to solicit comments on the petition from all interested persons.

Timetable:

Action	Date	FR Cite
Petition Docketed	08/04/00	
Notice	08/22/00	65 FR 50968

Action Date FR Cite

Comment Period End 10/23/00

Staff Sends Briefing Package to Commission

Commission Decision To Be Determined

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Celestine T. Kiss, Project Manager, Consumer Product Safety Commission, Directorate for

Engineering Sciences Phone: 301 504-0468 Email: ckiss@cpsc.gov

RIN: 3041–AB93

Consumer Product Safety Commission (CPSC)

Proposed Rule Stage

4426. FLAMMABILITY STANDARD FOR UPHOLSTERED FURNITURE

Regulatory Plan: This entry is Seq. No. 168 in Part II of this issue of the **Federal Register**.

RIN: 3041–AB35

4427. DIVE STICKS

Priority: Substantive, Nonsignificant **Legal Authority:** 15 USC 1261, Federal Hazardous Substances Act

CFR Citation: 16 CFR 1500 Legal Deadline: None

Abstract: On July 19, 2000, the Commission published a notice of proposed rulemaking (NPRM) that may result in a ban of dive sticks with certain characteristics that cause them to be hazardous. Dive sticks are one of several types of devices used for underwater activities, such as retrieval games and swimming instruction. They are typically made of rigid plastic, and are or can be weighted so that when dropped into water they sink and stand upright on the bottom. The proposed rule would ban dive sticks that: (1) are rigid, (2) submerge to the bottom of a pool of water, and (3) stand upright in the water. Many dive sticks have a cylindrically shaped profile, while some have novel shapes like sharks or other sea creatures. Such dive sticks are constructed in such a manner that children can become impaled on them when they jump into shallow water

where the dive sticks are oriented in an upright position. This impalement has resulted in serious injuries. Dive sticks that do not have these characteristics, as well as dive rings and dive discs, would be exempt from this rule.

The Commission will consider written comments received in response to the NPRM before deciding whether to continue the proceeding by publication of a final rule.

Timetable:

Date	FR Cite
07/16/99	64 FR 38387
09/14/99	64 FR 38387
07/19/00	65 FR 44703
10/02/00	
02/00/01	
	07/16/99 09/14/99 07/19/00 10/02/00

Regulatory Flexibility Analysis Required: ${ m No}$

Government Levels Affected: None

Agency Contact: Scott Heh, Project Manager, Consumer Product Safety Commission, Directorate for Engineering Sciences, Washington, DC 20207

Phone: 301 504-0494 Email: sheh@cpsc.gov

RIN: 3041–AB82

4428. AMENDMENT OF THE SAFETY STANDARD FOR AUTOMATIC RESIDENTIAL GARAGE DOOR OPERATORS

Priority: Substantive, Nonsignificant

Legal Authority: PL 101-608, Consumer Product Safety Improvement Act of

1990

CFR Citation: 16 CFR 1211 Legal Deadline: None

Abstract: The CPSC's safety standard for automatic residential garage door operators protects against entrapment. Death or serious injury can result from entrapment. The entrapment protection requirements come from the UL 325 safety standard for garage door operators. Under the Consumer Product Safety Improvements Act, when UL makes subsequent changes to the entrapment protection provisions of UL 325, UL must notify the Consumer Product Safety Commission of proposed revisions and CPSC must incorporate them into the CPSC rule unless the CPSC notifies UL within 30 days that the CPSC has determined that the revision does not carry out the purposes of the Improvement Act. UL has made changes to its standard to reflect advances in garage door operator technology. The Commission determined that the entrapment related revisions do carry out the purposes of Public Law 101-68. The purpose of this regulatory action is to update the

CPSC Proposed Rule Stage

product safety rule to include these new requirements made by UL.

On May 15, 2000, the Commission forwarded a draft proposed rule that would amend the garage door operator rule. The proposed rule was published on June 14, 2000. After reviewing comments received on the proposal, the staff provided a briefing package to the Commission on September 29, 2000 for its consideration.

Timetable:

Action	Date	FR Cite
Staff Sends NPRM Briefing Package to Commission	05/15/00	
Commission Decision	05/26/00	
NPRM	06/14/00	65 FR 37318
NPRM Comment Period End	08/28/00	
Staff Sends Briefing Package to Commission	10/00/00	
Final Rule	10/00/00	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected:

Undetermined

Federalism: Undetermined

Agency Contact: John Murphy, Project Manager, Consumer Product Safety

Commission, Directorate for

Engineering Sciences, Washington, DC 20207

Phone: 301 504-0494 Email: jmurphy@cpsc.gov

RIN: 3041-AB86

4429. ● PORTABLE BED RAILS

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 15 USC 1261, Federal Hazardous Substances Act

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The Commission is considering whether certain portable bed rails present an unreasonable risk of injury that should be regulated. A portable bed rail is a device intended to be installed on an adult bed to prevent a child from falling out of the bed. Such bed rails may be constructed in a manner that children can become entrapped between the portable bed rail and the bed. This entrapment can result in serious injury or death.

Timetable:

Action	Date	FR Cite
Staff Sends Briefing Package to	06/28/00	
Commission Decision	09/21/00	

ANPRM 10/03/00 65 FR 58968
ANPRM Comment Period End Staff Sends Briefing Package to Commission

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected:

Undetermined

Federalism: Undetermined

Agency Contact: Patricia L. Hackett, Project Manager, Consumer Product Safety Commission, Directorate for Engineering Sciences, Washington, DC 20207

Phone: 301 504-0494 Email: phackett@cpsc.gov

RIN: 3041-AB91

4430. • REQUIREMENT FOR SPECIAL PACKAGING OF ORAL PRESCRIPTION DRUGS THAT ARE GRANTED OVER-THE-COUNTER STATUS BY THE FOOD AND DRUG ADMINISTRATION

Regulatory Plan: This entry is Seq. No. 169 in Part II of this issue of the

Federal Register.
RIN: 3041–AB92

Consumer Product Safety Commission (CPSC)

Long-Term Actions

4431. PETITION HP 93-1 REQUESTING DEVELOPMENT OF A RULE TO BAN CERTAIN BACKYARD PLAYSETS

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 5 USC 553(e), Administrative Procedure Act; 15 USC 1261, Federal Hazardous Substances Act

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: A petition from the New York City Department of Consumer Affairs requests the Commission to develop a rule to ban certain backyard playsets. The petition asserts that backyard playsets present unreasonable risks of injury to children if they do not meet the requirements of a voluntary standard for home

playground equipment published by the American Society for Testing and Materials (ASTM); are not accompanied with adequate information about ground surfacing; or lack specific features described in the petition. On May 21, 1996, the Commission denied those parts of the petition requesting issuance of a rule to ban any backvard playset that does not conform to all requirements of the ASTM voluntary standard; that has an accessible height that exceeds six feet above protective surfacing; that does not have adequate fall zones under climbing structures; or that does not provide adequate space between any item of swinging equipment and any other item of swinging or stationary equipment. The Commission deferred a decision on those parts of the petition requesting a rule to ban backyard playsets that are not accompanied with instructions to

use and maintain specified ground surfacing; that do not have handrails on all platforms that are 30 inches or higher above protective surfacing; that have swing seats made of wood, metal, plastic, or other hard material capable of inflicting serious injury to the head; that have free-swinging ropes; and that are unanchored playsets with swings. The staff will transmit additional information to the Commission concerning revisions of the voluntary standard, conformance to the voluntary standard, and injury data. The Commission will then decide whether to grant, deny, or continue to defer the remaining requests in the petition.

Timetable:

Action	Date	FR Cite
Partial Denial of Petition	05/21/96	

CPSC Long-Term Actions

Action	Date	FR Cite
Revisions to Voluntary Standard Completed	07/10/98	
Staff Began Monitoring Conformance to Voluntary Standard	08/10/99	
Staff Completes Monitoring Conformance	08/31/00	
Staff Sends Additional Information to Commission	To Be	Determined
Commission Decision	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected:

Undetermined

Federalism: Undetermined

Agency Contact: Scott Heh, Project Manager, Consumer Product Safety Commission, Directorate for

Engineering Sciences, Washington, DC

20207

Phone: 301 504-0494 Email: sheh@cpsc.gov **RIN:** 3041–AB47

4432. REQUIREMENTS FOR CHILD-RESISTANT PACKAGING OF HOUSEHOLD PRODUCTS CONTAINING PETROLEUM DISTILLATES OR OTHER HYDROCARBONS

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 15 USC 1471, Poison Prevention Packaging Act

CFR Citation: 16 CFR 1700.14(a)

Legal Deadline: None

Abstract: Some household products containing 10 percent or more by weight of petroleum distillates are subject to requirements for childresistant packaging by regulations issued under the Poison Prevention Packaging Act and codified at 16 CFR 1700.14(a). These products include liquid furniture polish (section 1700.14(a)(2)), lighter fluid (section 1700.14(a)(7)), and prepackaged solvents for paint (section 1700.14(a)(15)). However, many other household products containing petroleum distillates or other hydrocarbons are not required to be in child-resistant packaging. On February 26, 1997, the Commission published an

advance notice of proposed rulemaking (ANPRM) to initiate a proceeding that may result in mandatory requirements for child-resistant packaging of household products containing petroleum distillates or other hydrocarbons. Following consideration of the comments, the Commission proposed requirements for childresistant packaging of additional household products containing petroleum distillates or other hydrocarbons. The notice of proposed rulemaking (NPRM) was published on January 3, 2000, and the comment period ended March 20, 2000. Seven comments were received. The Commission also requested that additional information about cosmetics that contain mineral oil be obtained. The staff purchased additional information on mineral oil-based cosmetic poisonings from the American Association of Poison Control Centers. The staff is analyzing the comments and data. A briefing package is expected to go to the Commission early next fiscal year.

Timetable:

Action	Date	FR Cite
ANPRM	02/26/97	62 FR 8659
Extension of ANPRM Comment Period	04/28/97	62 FR 22897
ANPRM Comment Period End	05/12/97	
Comment Period End	07/11/97	62 FR 22897
Reopening of ANPRM Comment Period	07/21/97	62 FR 38948
Comment Period End	09/01/97	
NPRM	01/03/00	65 FR 93
NPRM Comment Period End	03/20/00	
Staff Purchased Additional Poisoning Data on Cosmetics	04/04/00	
Staff Sends Briefing Package to Commission	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected:

Undetermined

Federalism: Undetermined

Agency Contact: Suzanne Barone Ph.D., Project Manager, Consumer Product Safety Commission, Directorate for Health Sciences, Washington, DC 20207

Phone: 301 504-0477 Email: sbarone@cpsc.gov

RIN: 3041-AB57

4433. AMENDMENT OF SAFETY REGULATIONS FOR CRIBS

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 5 USC 553,

Administrative Procedure Act; 15 USC 1261, Federal Hazardous Substances

CFR Citation: 16 CFR 1508; 16 CFR

1509

Legal Deadline: None

Abstract: On December 16, 1996, the Commission published an advance notice of proposed rulemaking (ANPRM) to begin a proceeding that may result in amendment of the safety regulations for full-size and non-fullsize cribs, 16 CFR parts 1508 and 1509. Among the regulatory alternatives under consideration is amendment of the regulations to add tests to assure that slats will not disengage from the side panels of cribs. The Commission began this proceeding after considering information about incidents in which crib slats disengaged from the side panels of cribs, creating a risk that children may become entrapped between the remaining slats or fall out of the crib. At the urging of CPSC staff, in April 1999, the voluntary standard for cribs designated, "Specification for Full Size Baby Cribs (ASTM F1169-99)," and published by the American Society for Testing and Materials (ASTM) was revised to include performance requirements for crib slats. The Commission will consider written comments received in response to the ANPRM, and assess conformance with the voluntary standard before deciding whether to continue the proceeding by publication of a notice of proposed rulemaking (NPRM), or terminate further proceedings in reliance on the voluntary standard.

Timetable:

Action	Date	FR Cite
Staff Recommended Revisions to Voluntary Standard	09/30/96	
ANPRM	12/16/96	61 FR 65996
ANPRM Comment Period End	02/14/97	
Revisions to Voluntary Standard Approved	04/10/99	
Voluntary Certification Program Begins	03/01/00	
Staff Completes Monitoring Conformance	To Be	Determined

CPSC Long-Term Actions

Action	Date	FR Cite
Staff Sends Briefing Package to Commission	To Be	Determined
Staff Begins Monitoring Conformance to Revised Voluntary Standard	То Ве	Determined

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected:

Undetermined

Federalism: Undetermined

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RIN: 3041-AB67

4434. PETITION HP 99-1 FOR A BAN OF POLYVINYL CHLORIDE IN TOYS AND OTHER PRODUCTS INTENDED FOR CHILDREN 5 YEARS OF AGE AND UNDER

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: 15 USC 1261 to 1278, Federal Hazardous Substances Act

CFR Citation: 16 CFR 1500 Legal Deadline: None

Abstract: The National Environmental Trust and 11 other organizations petitioned the Commission to ban polyvinyl chloride (PVC) in toys and other articles intended for the use of children 5 years and under, based upon concerns they have about the potential for health risks from phthalates (especially diisononyl phthalate (DINP)), lead, and cadmium that can be in PVC. A Federal Register notice was issued on December 22, 1998, requesting comment on the petition. Comments were due on February 22, 1999.

The Commission has established a Chronic Hazard Advisory Panel (CHAP) of independent scientists to study issues related to the chronic toxicity and risk, including the risk of cancer, associated with exposure to (DINP) in children's PVC products. The Commission has begun an extensive exposure study to obtain a broader range of data from which to better define the amount of time children

mouth products that could contain phthalates. Following completion of this work, the staff will send a briefing package to the Commission recommending that the Commission grant, deny, or defer the petition.

Timetable:

Action	Date	FR Cite
Notice Advising of Receipt of Petition	12/22/98	63 FR 70756
Initiated Formation of CHAP	02/16/99	
Comment Period End	02/22/99	
Awarded Contract for Child Observation Study	09/30/99	
First Meeting of CHAP	05/10/00	
Second Meeting of CHAP	06/20/00	
Third Meeting of CHAP	09/12/00	
Staff Sends Briefing Package to Commission	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected:

Undetermined

Federalism: Undetermined

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RIN: 3041–AB79

4435. PETITION FP 99-1 REQUESTING LABELING RULE FOR POLYURETHANE FOAM IN UPHOLSTERED FURNITURE

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 5 USC 553(e), Administrative Procedure Act; 15 USC 1191, Flammable Fabrics Act

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: A petition from the National Association of State Fire Marshals (NASFM) requests that the Commission require labels under the Flammable Fabrics Act warning that polyurethane foam in upholstered furniture poses a fire hazard. NASFM asserts that polyurethane foam in upholstered furniture poses an unreasonable risk of fire because once ignited it burns

rapidly and emits toxic gases. NASFM asks the Commission to require that upholstered furniture manufacturers and retailers provide flammability warnings to the public. On April 6, 1999, the Commission published a Federal Register notice to solicit public comments on the petition.

The Commission has another ongoing rulemaking proceeding related to the risk of fire associated with upholstered furniture (RIN 3041-AB40) that may bear on the disposition of this petition. In 1994, CPSC published an ANPRM announcing the agency's intent to consider a possible rule or other alternatives to address the risk of upholstered furniture fires ignited by small open-flame sources, e.g., lighters, matches and candles. Such a rule could affect fabrics or other furniture components, including filling materials such as polyurethane foam. The Commission staff is evaluating the technical issues raised in the polyurethane foam petition as part of the larger regulatory development effort. The Commission's consideration of the petition will, therefore, be incorporated into the decision on how to proceed on the small open-flame matter.

Timetable:

Action	Date	FR Cite
Notice	04/06/99	64 FR 16711
Comment Period End	06/07/99	
Staff Sends Briefing	To Be	Determined
Package to		
Commission		

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected:

Undetermined

Federalism: Undetermined

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RIN: 3041-AB81

CPSC Long-Term Actions

4436. ● PETITION CP 00-1 REQUESTING PERFORMANCE REQUIREMENTS FOR NON-WOOD BASEBALL BATS

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 5 USC 553(e), Administrative Prodcedure Act; 15 USC 2051, Consumer Product Safety Act

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The Commission has received correspondence from J.W. MacKay, Jr. requesting that the Commission issue a rule requiring that all non-wood baseball bats perform like wood bats. He states that such bats have a faster bat swing speed, a larger "sweet spot," and lower balance point than wood bats. These high performance bats, he

asserts, allow the ball to achieve a faster exit velocity so that the pitcher does not have time to react if a ball is batted at him. The petitioner asserts that non-wood bats (primarily made of aluminum and composite materials) have become increasingly dangerous. For these reasons, the petitioner argues, such non-wood bats present an unreasonable risk of injury. The Commission docketed his request as a petition under the Consumer Product Safety Act and published a notice in the Federal Register on June 15, 2000 to solicit comments on the petition from interested persons. The staff will prepare a briefing package for the Commission to consider.

Timetable:

Action	Date	FR Cite
Petition Docketed	05/24/00	

Action Date FR Cite

Notice 06/15/00 65 FR 37525

Comment Period End 08/14/00

Staff Sends Briefing Package to Commission

To Be Determined

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

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RIN: 3041–AB90

Consumer Product Safety Commission (CPSC)

Completed Actions

4437. PETITION CP 97-1 REQUESTING DEVELOPMENT OF A SAFETY STANDARD FOR ESCALATORS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 553(e), Administrative Procedure Act; 15 USC 2051, Consumer Product Safety Act

CFR Citation: None
Legal Deadline: None

Abstract: A petition from Scott and Diana Anderson requests development of a safety standard for escalators. The petition asserts that escalators are associated with unreasonable risks of serious injuries resulting from entrapment of feet, toes, and other body parts in openings between the moving stairs and the sides of the escalators. On May 22, 1997, the Commission published a notice in the Federal Register to solicit comments on the petition from all interested persons. The industry conducted research to support possible improvements to the escalator code to address side-wall entrapments. The staff evaluated the results of the industry studies, and injury data, and prepared a briefing package for consideration by the Commission.

Timetable:

Action	Date	FR Cite
Notice to Solicit Comments on Petition	05/22/97	62 FR 28005
Comment Period End	07/21/97	
Industry Completes Report and Makes Recommendations to Improve Code	09/30/99	
Recommended Code Improvements Appealed	02/14/00	
First Hearing on Appeal	04/05/00	
Second Hearing on Appeal	06/26/00	
Staff Sent Briefing Package to Commission	08/31/00	
Petition Denied	10/03/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 3041-AB70

4438. PETITION HP 00-1 REQUESTING DEVELOPMENT OF A CHILD-RESISTANCE STANDARD FOR BUCKLES USED ON CHILD-RESTRAINT SYSTEMS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 553(e), Administrative Procedure Act; 15 USC 1261, Federal Hazardous Substances Act

CFR Citation: None Legal Deadline: None

Abstract: A petition from John A. Galbreath requests that the Commission develop a child-resistance standard for buckles used on child-restraint systems on such products as strollers, high chairs, changing stations, and shopping carts. The petitioner states that existing buckles used on child-restraint systems are ineffective because children can open them and that they present unreasonable risks of serious injuries to children resulting from children falling from strollers, high chairs, changing stations and shopping carts. On January 5, 2000, the Commission published a notice in the Federal Register to solicit comments on the petition from all interested persons. The staff sent a briefing package on July 12, 2000 for consideration by the Commission. After consideration, the Commission denied the petition on August 7, 2000.

CPSC Completed Actions

Timetable:		
Action	Date	FR Cite
Notice	01/05/00	65 FR 439
Comment Period End	03/06/00	
Staff Sent Briefing Package to Commission	07/12/00	
Commission Denied Petition	08/07/00	

Regulatory Flexibility Analysis Required: ${
m No}$

Government Levels Affected: None

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RIN: 3041–AB85

[FR Doc. 00–23101 Filed 11–29–00]

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